

in response to the petition, any person adversely affected by the order may file written objections and a request for a hearing on those objections with EPA on or before the 30th day after date of the publication of the order, (40 CFR 178.20).

A record has been established for this document under docket number [OPP-300427] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

OPP-Docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. The official record for this document, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ADDRESSES at the beginning of this document.

Dated: May 23, 1996.

Daniel M. Barolo,  
Director, Office of Pesticide Programs.

[FR Doc. 96-13823 Filed 6-4-96; 8:45 am]

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[PP 5E4477 and 5E4478/T689; FRL 5371-2]

### **EarthGro Inc.; Establishment of Exemptions From Requirement of Tolerances**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has established exemptions from the requirement of tolerances for *Flavobacterium balustinum* strain 299 (ATCC 53198)

and *Trichoderma hamatum* isolate 382 (ATCC 20765) in or on certain raw agricultural commodities.

**DATES:** These temporary exemptions from the requirement of tolerances expire March 1, 1998.

**FOR FURTHER INFORMATION CONTACT:** By mail: Diana Horne, Biopesticides and Pollution Prevention Division (7501W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm., Crystal Station, 5th Fl., 2800 Crystal Drive, Arlington, VA (703) 308-8367; e-mail: horne.diana@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** Earthgro, Inc., Route 207, P.O. Box 143, Lebanon, CT 06249, has requested in pesticide petitions (PP) 5E4477 and 5E4478 the establishment of exemptions from the requirement of tolerances for use on selected ornamentals and vegetable bedding plants in or on certain raw agricultural commodities as follows:

1. Pesticide petition (PP) 5E4477 has established an exemption from the requirement of a tolerance for *Flavobacterium balustinum* strain 299 (ATCC 53198) for use on selected ornamentals and vegetable bedding plants in or on the raw agricultural commodities broccoli, cabbage, cauliflower, cucumber, eggplant, lettuce, cantaloupe, pepper, tomato and watermelon.

2. Pesticide petition (PP) 5E4478 has established an exemption from the requirement of a tolerance for *Trichoderma hamatum* isolate 382 (ATCC 20765) for use on selected ornamentals and vegetable bedding plants in or on the raw agricultural commodities broccoli, cabbage, cauliflower, cucumber, eggplant, lettuce, cantaloupe, pepper, tomato and watermelon.

These temporary exemptions from the requirement of tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of experimental use permit 69006-EUP-1, which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that exemptions from the requirement of tolerances will protect the public health. Therefore, the temporary exemptions from the requirement of tolerances have been established on the condition that the pesticides be used in accordance with

the experimental use permit and with the following provisions:

1. The total amount of the active ingredients to be use must not exceed the quantity authorized by the experimental use permit.

2. Earthgro, Inc., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary exemptions from the requirement of tolerances expire March 1, 1998. Residues remaining in or on all raw agricultural commodities after this expiration date will not be considered actionable if the pesticides are legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary exemptions from the requirement of tolerances. These temporary exemptions from the requirement of tolerances may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirement of section 3 of Executive Order 12866.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Authority: 21 U.S.C. 346a(j).

### **List of Subjects**

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 20, 1996.

Janet L. Andersen,  
Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

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